

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

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March 22, 2017

### VIA E-MAIL

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***Re: In re Bard IVC Filter Litigation***

Gentlemen:

On March 13, 2017, the plaintiffs filed an expert report in this proceeding jointly signed by Thomas Kinney, M.D., M.S.M.E., Anne Christine Roberts, M.D., and Sanjeeva Kalva, M.D. The purpose of this letter is to ask that the plaintiffs immediately withdraw this report, because of the participation of Dr. Kinney, who should be disqualified from work with the plaintiffs as an expert witness.

As you should know, Dr. Kinney consulted extensively with Bard for a number of years, involving both the Recovery Filter and the G2 filter. In that capacity, he signed a number of confidentiality agreements. He was extensively involved in many activities, including analyzing adverse event reports for the company and conducting developmental animal studies. In connection with that work, Dr. Kinney committed to certain confidentiality obligations.

In addition, in the past, Dr. Kinney has served as an expert witness to Bard in litigation involving the company's IVC filters, including the same devices he now purports to address in the expert report. As a part of that work, he met and communicated with Bard's outside counsel and participated in confidential communications.

Ramon R. Lopez, Esq.  
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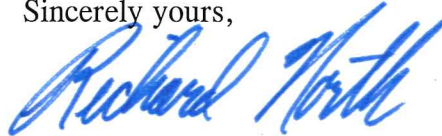
Bard believes that, under well-established case authorities, Dr. Kinney is therefore disqualified to serve as an expert witness on behalf of the plaintiffs. We would therefore ask that you withdraw Dr. Kinney as an expert witness within ten (10) days from the date of this letter. If you do not formally withdraw Dr. Kinney as an expert within that timeframe, we will proceed with a motion to disqualify.

In the interim, we would ask that you forego sharing Dr. Kinney's report with any other experts or witnesses in the litigation. If you nevertheless choose to do so, and if we are successful in our motion to disqualify Dr. Kinney (as we anticipate we will be), we will also move to exclude any testimony of other witnesses relying on Dr. Kinney's report.

If you have any questions concerning this matter, please let me know.

With best regards, I am

Sincerely yours,



Richard B. North, Jr.

RBN,JR:jbruner

cc: James R. Condo, Esq.  
Matthew B. Lerner, Esq.  
Amanda Sheridan, Esq.